SUM-100

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

HINT, INC., and DOES 1 through 20 inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

LISA KIM MADRIGAL, on behalf of herself and those similarly situated,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JAN 17 2017

Sherri R. Carter, Executive Officer/Clerk
By: Judi Lara, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (*www.lawhelpcalifornia.org*), the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de $10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California
County of Los Angeles, Central District
111 N. Hill Street, Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso): BC 646901

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Joseph S. Farzam, SBN 210817, 11766 Wilshire Blvd. #280, Los Angeles, CA 90025 (310) 226-6890

DATE: *(Fecha)* JAN 17 2017 SHERRI R. CARTER Clerk, by *(Secretario)* Judi Lara, Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify):*
3. ☒ on behalf of *(specify):* HINT, INC.
   under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
   ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
   ☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
   ☐ other *(specify):*
4. ☒ by personal delivery on *(date):* 2-15-17

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Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. July 1, 2009]

SUMMONS

Code of Civil Procedure §§ 412.20, 465
www.courtinfo.ca.gov

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Attorneys for Plaintiff,
Lisa Kim Madrigal and those similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

LISA KIM MADRIGAL, on behalf of herself and those similarly situated,

Plaintiff,

vs.

HINT, INC., and DOES 1 through 20 inclusive,

Defendants.

Case No.: BC 646991

CLASS ACTION COMPLAINT FOR:

(1) Unlawful Business Practices (Cal. Bus. & Prof. Code § 17200 *et seq.*)
(2) Unfair Business Practices (Cal. Bus. & Prof. Code § 17200 *et seq.*)
(3) Fraudulent Business Practices (Cal. Bus. & Prof. Code § 17200 *et seq.*)
(4) Misleading Advertising (Cal. Bus. & Prof. Code § 17500 *et seq.*)
(5) Untrue Advertising (Cal. Bus. & Prof. Code § 17500 *et seq.*)
(6) Violation of the Consumer Legal Remedies Act (Cal. Civ. Code §§ 1750 *et seq.*)
(7) Restitution Based on Quasi-Contract/Unjust Enrichment
(8) Breach of Express Warranty
(9) Negligent Misrepresentation
(10) Breach of Contract

JURY TRIAL DEMANDED

Plaintiff Lisa Kim Madrigal, on behalf of herself and all others similarly situated, (hereinafter collectively "Plaintiffs") complains of Hint, Inc., a privately-held company headquartered in California, and DOES 1 through 20, inclusive, as follows:

INTRODUCTION

1. Plaintiff brings this action pursuant to Code of Civil Procedure § 382 against Defendant Hint, Inc. ("Hint"), and Does 1 through 20, inclusive (collectively with Hint, "Defendants"), on behalf of all consumers in the United States within four years of the filing of this lawsuit who within the last four years have purchased any of the "Flavored Water Products," which include all Hint's Flavored Water Products, including but not limited to the following products:

a. Watermelon Hint Water;
b. Blackberry Hint Water;
c. Pomegranate Hint Water;
d. Mango-Grapefruit Hint Water;
e. Strawberry-Kiwi Hint Water;
f. Raspberry Hint Water;
g. Cucumber Hint Water;
h. Pear Hint Water;
i. Peppermint Hint Water;
j. Honeydew Hint Water;
k. Peach Hint Water;
l. Blood Orange Hint Water;
m. Pineapple Hint Water;
n. Crisp Apple Hint Water;
o. Lime Hint Water;
p. Black Raspberry Hint Kick Water;

q. Apple Pear Hint Kick Water;

r. Lemon Cayenne Kick Water;

s. Peach Fizz Water;

t. Cherry Fizz Water;

u. Blackberry Fizz Water;

v. Watermelon Fizz Water;

w. Grapefruit Fizz Water; and

x. Strawberry-kiwi Fizz Water.

2. The labels for Hint's Flavored Water Products carry representations about the ingredients or alleged healthful properties of the products that are intended to induce, and have induced consumers to purchase the products. These representations, however, are false, misleading, and unlawful for the reasons alleged below.

3. Plaintiffs allege that Defendants' conduct violates California's Business and Professions Code sections 17200, *et seq.* (the Unfair Competition Law, or "UCL"), California's Business and Professions Code sections 17500, *et seq.* (the False Advertising Law, or "FAL"), and the Consumers Legal Remedies Act of the California Civil Code sections 1750, *et seq.* (the "CLRA"). Plaintiffs also allege that Defendants' conduct is grounds for restitution on the basis of quasi-contract/unjust enrichment.

4. Plaintiffs seek damages and restitution stemming from Defendants' false labeling and advertising. Plaintiffs also seek declaratory and injunctive relief to ensure that Defendants remove any and all false or misleading labels and advertisements relating to the Flavored Water Products and to prevent them from making similar representations in the future.

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PARTIES

5. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

6. Defendant Hint has its headquarters in San Francisco, California, and upon information and belief operates, manages and directs its nationwide sales and business operations from its offices in California. Defendant Hint, upon information and belief, also maintains manufacturing, storage, and distribution centers in California, from which Hint operates and directs the majority, or at least a substantial proportion, of its nationwide sales and business operations. It is therefore believed and averred that a substantial portion of the misleading labeling and related misconduct at issue in this Complaint occurred, was conducted, and/or was directed in and emanated from California, including, but not limited to: (a) the design of the Defendants' packaging; (b) the review, approval and revision of Defendants' products and labeling; (c) the selection and integration of ingredients into the Defendants' products; (d) the distribution of the Defendants' products; and (e) the management and supervision of sales operations to Plaintiff and the putative Classes (as defined herein).

7. Plaintiff Lisa Kim Madrigal is an individual who resides in the County of Los Angeles.

8. The true names and capacities, whether individual, corporate, associate, or whatever else, of the defendants sued herein as Does 1 to 20, inclusive, are currently unknown to Plaintiff, who therefore sues these defendants by such fictitious names under Cal. Code of Civil Procedure § 474. Plaintiffs are informed and believe, and based thereon allege, that each of the defendants designated herein as a DOE is legally responsible in some manner for the unlawful acts referred to herein and each defendant acted in all respects pertinent to this action as the agent of

the other defendants, carried out a joint scheme, business plan or policy in all respects pertinent to this action as agent of the other defendants, carried out a joint scheme, business plan or policy in all respects hereto, and that the acts of each defendant are legally attributable to the other defendants. Plaintiffs will seek leave of courts to amend this Complaint to reflect the true names and capacities of the defendants designated hereinafter as Does when such identities become known. Hereinafter Defendant and the DOE defendants shall be referred to collectively as "Defendants."

JURISDICTION

9. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

10. This Court has jurisdiction in this action under Article VI, section 10 of the California Constitution and § 410.10 of the California Code of Civil Procedure. Jurisdiction is also proper under Civil Code § 1750, *et seq.*, Business & Professions Code § 17200, *et seq.*, and Business & Professions Code § 17500, *et seq.*

11. Jurisdiction over Defendants is proper because Defendant Hint is headquartered in California, it has purposefully availed itself of the privilege of conducting business activities in California and because it has generally maintained systematic and continuous business contacts with California.

12. Defendant Hint, upon information and belief, operates, manages and directs its nationwide sales and business operations from its offices in California. Defendant Hint, upon information and belief, also maintains manufacturing, storage, and distribution centers in California, from which Hint operates and directs the majority, or at least a substantial proportion, of its nationwide sales and business operations. It is therefore believed and averred that a substantial portion of the misleading labeling and related misconduct at issue in this Complaint occurred, was

conducted, and/or was directed in and emanated from California, including, but not limited to: (a) the design of the Defendants' packaging; (b) the review, approval and revision of Defendants' products and labeling; (c) the selection and integration of ingredients into the Defendants' products; (d) the distribution of the Defendants' products; and (e) the management and supervision of sales operations to Plaintiff and the putative Classes (as defined herein).

VENUE

13. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

14. Venue is proper in this district pursuant to California Code of Civil Procedure § 395. Defendant Hint has employees and is headquartered in San Francisco California. Defendant Hint further offers to sell, markets and/or sells its products to California consumers. Defendant Hint has substantial and systematic contacts in California and is subject to personal jurisdiction in California. Defendant Hint is indeed deemed to reside in this district.

15. Venue is also proper in this district because Plaintiff and many Class members live in the County of Los Angeles. Further, venue is also proper in this district because Defendant Hint, a resident of California, specifically targets California consumers. Defendant Hint further offers to sell, markets and/or sells its products to California consumers.

CHOICE OF LAW

16. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

17. Plaintiffs bring this action under the laws of the State of California.

18. No enforceable choice-of-law agreement governs here or compels the

application of different states' laws.

19. California has the most significant relationship with the parties and to the events and occurrences that form the basis of this litigation. Defendant Hint has employees and is headquartered in San Francisco California. Defendant Hint further offers to sell, markets and/or sells its products to California consumers. Defendant Hint has substantial and systematic contacts in California and is subject to personal jurisdiction in California.

20. Defendant Hint, upon information and belief, operates, manages and directs its nationwide sales and business operations from its offices in California. Defendant Hint, upon information and belief, also maintains manufacturing, storage, and distribution centers in California, from which Hint operates and directs the majority, or at least a substantial proportion, of its nationwide sales and business operations. It is therefore believed and averred that a substantial portion of the misleading labeling and related misconduct at issue in this Complaint occurred, was conducted, and/or was directed in and emanated from California, including, but not limited to: (a) the design of the Defendants' packaging; (b) the review, approval and revision of Defendants' products and labeling; (c) the selection and integration of ingredients into the Defendants' products; (d) the distribution of the Defendants' products; and (e) the management and supervision of sales operations to Plaintiff and the putative Classes (as defined herein).

21. Plaintiff also resides in Los Angeles, California. Many of the other Class members are California residents.

22. California's interest in this action, which seeks to protect the rights and interests of California residents, is greater than any other state.

23. Application of California law is neither arbitrary nor fundamentally unfair because California has significant contacts and a significant aggregation of contacts that create a state interest in this litigation.

BACKGROUND

24. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

25. Defendant Hint deceptively labels and advertises the Flavored Water Products in the ways described below, all of which create the impression that the Flavored Water Products are natural, healthy beverages.

26. Defendant Hint advertises, labels, and represents the Flavored Water Products as being "Natural," "100% Natural," or "All Natural." These claims appear on the product labels and even in the product names of the Flavored Water Products. (*See* Exhibit A, product label of each Flavored Water Product). This claim is reinforced on Hint's website, which depicts water and fruit and even shows a video of the CEO and creator of Hint, Kara Goldin, cutting pieces of fruit and placing them into the water to "infuse" natural flavors. (*See* screenshots of video promoted on Hint's website drinkhint.com, attached as Exhibit B.)

27. These representations are false, deceptive and misleading.

28. Webster's New World Dictionary defines "natural" as "produced or existing in nature; not artificial or manufactured."[1] Moreover, "all" is defined as "the whole extent or quantity of."[2] Thus the combined use of "all natural" on the labels of the Flavored Water Products indicates to the average reasonable person that "the whole extent or quantity of" the ingredients contained in the food products are "produced or existing in nature; not artificial or manufactured."

29. The term "synthetic" is also defined by federal statute as "a substance that is formulated or manufactured by a chemical process or by a process that chemically

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[1] Webster's New World Dictionary of the American Language, 2nd College Ed. (Simon & Schuster, 1984), "natural," definition no. 2 at p.947.

[2] *Id.*, "all," definition no. 1 at p. 36

changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes." 7 U.S.C. § 6502 (21).

30. Further, although the Food and Drug Administration ("FDA") does not directly regulate the term "natural," the FDA has established a policy defining the outer boundaries of the use of that term by clarifying that a product is not natural if it contains color additives, artificial flavors, or synthetic substances.[3] Specifically, the FDA states: "[T]he agency will maintain its policy (Ref. 32) regarding the use of 'natural,' as meaning that nothing artificial or synthetic (including all color additives regardless of source) has been included in, or has been added to, a food that would not normally be expected to be in the food." 58 Fed. Reg. 2302, 2407 (Jan. 6, 2003). The FDA has issued warning letters owing to the presence of synthetic ingredients such as propylene glycol in products without proper identification. (*See, e.g.*, Exhibit C at page 5.)

31. This policy is consistent with consumers' understanding of the word "natural." Consumers understand "natural" to exclude synthetic ingredients, food additives, or chemical preservatives. In a 2007 survey conducted by the Natural Marketing Institute, the majority of respondents believed that the term "natural" in a product label meant that the product contained 100 percent natural ingredients, no artificial flavors, no artificial colors, no preservatives, no chemicals, and a substantial percentage thought that it meant that the product was not highly processed. Moreover, 81 percent of respondents found products claiming to be "natural" very/somewhat important when purchasing food or beverage products. Large majorities also found that products containing no preservatives, no artificial

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[3] *See* http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm094536.htm and http://www.fda.gov/AboutFDA/Transparency/Basics/ucm214868.htm (last accessed on November 15, 2016).

ingredients, no artificial flavors, and no artificial colors to be very/somewhat important when purchasing food and beverage products. These percentages are even larger among the health-conscious segments of the US population, which are large—approximately 40 percent. What is more, the survey found that these trends have increased from previous years, and consequently the subject labeling statements are probably far more important to consumers today. Significantly, the survey also found that package labeling was by far the most important source of information influencing consumers' purchasing decisions, especially among the health-conscious segment of the population. In another recent survey conducted in December 2015, over 60 percent of consumers believed that the term "natural" on packaged and processed food meant that the food was produced without pesticides, artificial materials or chemicals, artificial ingredients or colors, or GMOs, and well over 80 percent of consumers believed the term should mean each of these things. [4]

32. American consumers are health conscious and are increasingly expressing a preference for natural products. As is explained in an article in The Economist, "natural" products are a fast growing market.[5] Perceiving natural products to be safer and healthier – consumers purchase them to promote good health and to avoid the known and unknown dangers associated with synthetic ingredients. In 2010, sales of natural products grew 6% to $117 billion.[6]

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[4] Consumer Reports National Research Center. Natural Food Labels Survey: 2015 Nationally-Representative Phone Survey, available at https://www.consumerreports.org/content/dam/cro/magazine-articles/2016/March/Consumer_Reports_Natural_Food_Labels_Survey_2015.pdf (last accessed on November 15, 2016).

[5] Chemical Blessings What Rousseau Got Wrong, THE ECONOMIST, Feb. 4, 2008, available at http://www.economist.com/node/10633398 (last accessed on November 15, 2016); *see also* Hunger Oatman-Standford, What Were We Thinking? The Top 10 Most Dangerous Ads, COLLECTORS WEEKLY (Aug. 22, 2012).

[6] About the Natural Products Association, NATURAL PRODUCTS ASSOCIATION, available at http://www.npainfo.org/NPA/About_NPA/NPA/AboutNPA/AbouttheNaturalProductsAssociation.aspx?hkey=8d3a15ab-f44f-4473-aa6e-ba27ccebcbb8 (last accessed on November

(Continued...)

33. Consumers value natural products for important reasons, including the perceived benefits of avoiding disease and attaining healthy wellness. Indeed, according to a recent survey, consumers express a preference for products labeled "natural," even over those labeled "organic."[7] Indeed, "natural" claims are more strongly associated with the absence of artificial flavors, colors, and preservatives.[8] According to a survey of 1006 consumers by the Shelton Group, a Tennessee-based research firm, 31% of respondents said "100% natural" is the most desirable eco-friendly product label claim, compared to 14% who chose "100% organic."[9] Indeed, food products which are labeled as "natural" are greatly valued by consumers. For example, in 2013, consumers in the United States spent more than $40 billion on food labeled "natural" and 51% of Americans searched for "all natural" products when shopping.[10] Foods labeled as "natural" accounted for about ten percent (10%) of all grocery sales in 2013, while organic food and products made up about five percent (5%) of all grocery sales that year, according to a report by the Organic Consumers Association.[11]

34. Seeking to profit from consumers' desire for purportedly 100% natural products, Defendant Hint advertises, labels, and represents the Flavored Water

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(...Continued)
15, 2016).

[7] Beyond Organic: How Evolving Consumer Concerns Influence Food Purchases, CONTEXT MARKETING 4 (Oct. 2009).

[8] *Ibid.*

[9] Press Release, The Shelton Group, National Survey: Green Is Officially Mainstream- But Consumers are Confused, Skeptical About Products, (June 29, 2009).

[10] Mike Esterl, Some Food Companies Ditch 'Natural' Label, Wall St. J., Nov. 6, 2013, available at http://www.wsj.com/articles/SB10001424052702304470504579163933732367084 (last accessed on November 15, 2016).

[11] Ronnie Cummins, Organic Retailers and Consumers Demand Truth in Labeling, Organic Consumers Association, (March 7, 2013), available at http://www.organicconsumers.org/articles/article_27144.cfm (last accessed on November 15, 2016).

Products as being "Natural," "100% Natural," or "All Natural." (*See* Exhibit A, product label of each Flavored Water Product.) These claims appear on the product labels and even in the product names of the Flavored Water Products.

35. The labeling of products as "natural" or "all natural" (or words of similar import) carries implicit health benefits important to consumers—benefits for which consumers are willing to pay a premium over comparable products that are not so labeled and marketed. Defendants have cultivated and reinforced a corporate image based on this theme, which they have emblazoned on almost all of the Flavored Water Products and even use the word "all natural" on the label itself, despite the use of synthetic ingredients in these products. The presence of synthetic ingredients in the Flavored Water Products renders Defendants' product labels and advertising false and misleading.

36. Moreover, like the FDA, the United States Department of Agriculture ("USDA"), which regulates the labeling of meat and poultry, has also set limits on the use of the term "natural." The USDA's Food Safety and Inspection Service states that the term "natural" may be used on labeling of meat and poultry products so long as "(1) the product does not contain any artificial flavor or flavorings, color ingredient, or chemical preservative … or any other artificial or synthetic ingredient, and (2) the product and its ingredients are not more than minimally processed." [12]

37. According to the USDA, "[m]inimal processing may include: (a) those traditional processes used to make food edible or to preserve it or to make it safe for human consumption, e.g., smoking, roasting, freezing, drying, and fermenting, or (b) those physical processes which do not fundamentally alter the raw product and/or which only separate a whole, intact food into component parts, e.g., grinding meat,

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[12] See the United States Department of Agriculture Food Standards and Labeling Policy, at page 116, book available at http://www.fsis.usda.gov/OPPDE/larc/Policies/Labeling_Policy_Book_082005.pdf (last accessed on August 18, 2016).

separating eggs into albumen and yolk, and pressing fruits to produce juices." [13] However, "[r]elatively severe processes, e.g., solvent extraction, acid hydrolysis, and chemical bleaching would clearly be considered more than minimal processing." [14]

38. Under USDA policy, a product cannot be labeled as being "natural" if an ingredient would significantly change the character of the product to the point that it could no longer be considered a natural product. Moreover, any product purporting to be "natural" must conspicuously identify any synthetic ingredients used on the label (e.g., "all natural ingredients except dextrose, modified food starch, etc."). For example, a "turkey roast" cannot be called a "natural" product if it contains beet coloring but can still bear the statement "all natural ingredients modified by beet coloring." [15] Defendants do not, however, include any such limiting language on the Flavored Water Products.

39. Although not binding on food manufacturers outside the USDA's jurisdiction, the agency's natural policy is consistent with and, owing to its widespread use in food products, shapes consumers' understanding of what natural means on food labels.

40. The terms "synthetic" and "artificial" closely resemble each other and in common parlance are taken as synonymous. The scientific community defines "artificial" as something not found in nature, whereas "synthetic" is defined as something man-made, whether it merely mimics nature or is not found in nature.[16] In the scientific community, "synthetic" includes substances that are also "artificial,"

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[13] *Ibid.*

[14] *Ibid.*

[15] *Ibid.*

[16] Peter E. Nielsen, Natural-synthetic-artificial!, Artificial DNA: PNA & XNA, Volume 1, Issue 1 (July/August/September 2010), available at http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3109441/ (last accessed November 15, 2016)

but a synthetic substance also can be artificial or non-artificial.[17] However, the common understanding of "artificial" resembles the scientific community's definition of "synthetic." Indeed Webster's New World Dictionary defines "artificial" as "anything made by human work, especially if in intimation of something natural," whereas "synthetic" is defined as "a substance that is produced by chemical synthesis and is used as a substitute for a natural substance which it resembles." [18]

41. Congress has defined "synthetic" to mean "a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes." 7 U.S.C. § 6502(21). *See also* 7 C.F.R. § 205.2 (defining, in USDA's National Organic Program regulations, a "nonsynthetic" as "a substance that is derived from mineral, plant, or animal matter and does not undergo a synthetic process as defined in section 6502(21) of the Act (7 U.S.C. § 6502(21)").

42. Regardless of what definition is applied, the Flavored Water Products are not 100% natural. The Flavored Water Products are not natural because they actually contain synthetic ingredients, including but not limited to propylene glycol. In fact, independent and reliable testing of sample Hint Flavored Water Products reveals the material presence of propylene glycol in these products. *See* Declaration of Dr. F. Edward Scarbrough. *See also* 21 C.F.R. § 184.1666 ("Propylene glycol [C3H8O2, CAS Reg. No. 57556] is known as 1,2-propanediol. It does not occur in nature. Propylene glycol is manufactured by treating propylene with chlorinated water to form the chlorohydrin which is converted to the glycol by treatment with sodium

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[17] *Ibid.*

[18] *See* Webster's New World Dictionary of the American Language, 2nd College Ed. (Simon & Schuster, 1984), "artificial," definition SYN at p.79.

carbonate solution. It is also prepared by heating glyercol with sodium hydroxide.").

43. There is no reasonable dispute that propylene glycol does not occur naturally. Rather, this ingredient is chemically manufactured and highly processed—thus rendering it indisputably not natural. The Agency for Toxic Substances and Disease Registry (ATSDR), a Federal public health agency of the U.S. Department of Health and Human Service, issued a Public Health Statement for Propylene Glycol, expressly stating that "[p]ropylene glycol is a *synthetic* liquid substance that absorbs water." [19]

44. Because the Flavored Water Products contain artificial flavoring, including propylene glycol, without stating this fact on the product labels, Defendants violated the California's Sherman Food, Drug, and Cosmetic Law, including California Health & Safety Code § 110740. In this way, Defendants have also violated California Health & Safety Code § 110705 because words, statements, or other information required pursuant to the Sherman Law to appear on the label or labeling are not prominently placed upon the label or labeling with conspicuousness, as compared with other words, statements, designs, or devices in the labeling and in terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

45. Throughout the Class period and as recently as July and December 2016, Plaintiff Lisa Kim Madrigal purchased numerous Hint's products purporting to be "natural," "all natural," "100% Natural," "Naturally flavored," and/or "All Natural," including but not limited to the following products:

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[19] Public Health Statement for Propylene Glycol, Agency for Toxic Substances and Disease Registry (September 1997), available at http://www.atsdr.cdc.gov/phs/phs.asp?id=1120&tid=240 (last accessed on November 15, 2016). *See also* Propylene Oxide/Propylene Glycol Sector Group website, available at http://www.propylene-glycol.com/what-is-propylene-glycol/mono-propylene-glycol/regulatory (which classifies propylene glycol as a chemical substance) (last accessed on November 15, 2016).

a. Watermelon Hint Water;
b. Blackberry Hint Water;
c. Pomegranate Hint Water;
d. Mango-Grapefruit Hint Water;
e. Strawberry-Kiwi Hint Water;
f. Raspberry Hint Water;
g. Cucumber Hint Water;
h. Pear Hint Water;
i. Peppermint Hint Water;
j. Honeydew Hint Water;
k. Peach Hint Water;
l. Blood Orange Hint Water;
m. Pineapple Hint Water;
n. Crisp Apple Hint Water;
o. Lime Hint Water;
p. Black Raspberry Hint Kick Water;
q. Apple Pear Hint Kick Water;
r. Lemon Cayenne Kick Water;
s. Peach Fizz Water;
t. Cherry Fizz Water;
u. Blackberry Fizz Water;
v. Watermelon Fizz Water;
w. Grapefruit Fizz Water; and
x. Strawberry-kiwi Fizz Water.

(*See* Exhibit D)

46. Before buying the foregoing products, Plaintiff saw pictures of fruit on the product labels and read and relied on statements that these products were "Natural,"

"100% Natural," "All Natural," and "Naturally Flavored." Plaintiff understood these representations as meaning there was nothing artificial, synthetic, chemically fabricated, or highly processed in the products.

47. Plaintiff not only purchased these products because of the identified representations but also paid more money than she would have had to pay for other similar products that did not make similar representations. Indeed, had Plaintiff known that Defendants' representations were false or deceptive, she would not have purchased these products or as much of these products but would have purchased brands that accurately represented the product or, if these were not available, would have purchased less expensive products that did not make such representations. In this way, Plaintiff did not receive the products she had bargained for and has lost money as a result in the form of paying money to Defendants and paying a premium for Defendants' products owing to the misrepresentations.

PLAINTIFF'S ALLEGATIONS

48. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

49. Plaintiff Lisa Kim Madrigal is and, throughout the entire Class period, was a resident of the State of California. Plaintiff is concerned about and tries to avoid consuming foods that are not natural, such as products containing synthetic, artificial or chemical ingredients. For this specific reason, Plaintiff is willing to pay and has paid a premium for foods that are natural. Plaintiff has endeavored to refrain from buying equivalent foods which are not natural and which do contain synthetic, artificial, or chemical ingredients and are high in sugar.

50. Before buying Hint Flavored Water Products, Plaintiff saw pictures of fruit on the product labels and read statements that these products were "Natural," "100% Natural," and "All Natural," and contained "No Fake Stuff," and Plaintiff relied on

these representations in deciding to buy the products. Plaintiff understood these representations as meaning there was nothing artificial, synthetic, or chemically fabricated in the products. Plaintiff expressly and directly relied on these front-of-the-package representations in deciding to purchase and consume the Flavored Water Products.

51. Plaintiff not only purchased these products because of the identified representations but also paid more money than she would have had to pay for other similar products that did not make similar representations.

52. On or around August 15, 2016, Plaintiff sent a letter to Defendant Hint informing it that it has engaged in unfair methods of competition and/or deceptive acts or practices, including but not limited to violation of California Civil Code § 1770, in connection with the sale of the Flavored Water Products, and requested that it correct, repair, replace, or otherwise rectify its unlawful conduct. (*See* Exhibit E.) Hint ultimately failed to correct, repair, replace, or otherwise rectify its unlawful conduct. Because more than 30 days have elapsed since the receipt of Plaintiff's letter, Plaintiff herein seeks actual, punitive, and statutory damages as appropriate on behalf of herself and similarly situated consumers, as well as equitable including injunctive relief.

CLASS ALLEGATIONS

53. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

54. Plaintiff Lisa Kim Madrigal brings this action on behalf of herself and those similarly situated as a Class action pursuant to California Code of Civil Procedure Section § 382 and California Civil Code § 1781. Plaintiff seeks to represent the Class described below.

55. The Class is comprised of and defined as:

a. All persons in the United States who purchased one or more of the Flavored Water Products from four years prior to the filing of the Complaint and continuing until the date of certification (hereinafter "the Class Period"); or

b. Alternatively as a "California Class" comprised of and defined as: All persons in California who purchased one or more of the Flavored Water Products during the Class Period.

56. The Class excludes counsel representing the Class, governmental entities, Defendants, any entity in which Defendants have a controlling interest, Defendants' officers, directors, affiliates, legal representatives, employees, coconspirators, successors, subsidiaries, and assigns, any judicial officer presiding over this matter, the members of their immediate families and judicial staff, and any individual whose interests are antagonistic to other putative Class members.

57. Plaintiff reserves the right to amend or modify the Class description with greater particularity or further division into sub-Classes or limitation to particular issues.

58. Plaintiff further reserves the right to modify or amend the Class definition before the Court determines whether certification is appropriate.

59. Certification of this Class action is appropriate under California Code of Civil Procedure § 382 and California Civil Code § 1781 because the questions of law or fact common to the respective Class members predominate over questions of law or fact affecting only individual members.

60. There exists a well-defined community of interests among the Class, and the Class is readily ascertainable for the following reasons:

A. Numerosity

61. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing

paragraphs as if fully set forth herein.

62. The Class members are so numerous that separate joinder of each member is impracticable. In California alone, Plaintiff, is informed and believes, that the members of the Class would easily exceed the minimal numbers to satisfy this requirement.

63. The potential members of the Class as defined are so numerous that joinder of all members of the Class is impracticable. Although the precise number of putative Class members has not been determined at this time, Plaintiff is informed and believes that the proposed Classes include thousands of members.

B. Common Questions Predominate

64. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

65. There are questions of law and fact common to the Class that predominate over any questions affecting only individual putative Class members. Such common questions of law and fact include:

a. Whether Defendants' conduct was a "fraudulent practice" within the meaning of the Unfair Competition Law ("UCL"), Business & Professions Code § 17200, in that it was likely to mislead consumers;

b. Whether Defendants' conduct was an "unfair practice" within the meaning of the UCL in that it offended established public policy and is immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers;

c. Whether Defendants' conduct was an "unlawful" practice within the meaning of the UCL;

d. Whether Defendants' conduct was likely to deceive a consumer acting reasonably in the same circumstances;

e. Whether Defendants advertise or market the Flavored Water Products in a way that is false or misleading;

f. Whether Defendants violated California Business and Professions Code § 17500 *et seq.*;

g. Whether Defendants violated California Civil Code § 1750 *et seq.*;

h. Whether Plaintiff and members of the putative Class are entitled to restitution, injunctive, declaratory and/or other equitable relief;

i. Whether Defendants have been unjustly enriched through the misrepresentations alleged herein; and

j. Whether Plaintiff and the members of the Class sustained monetary loss.

C. Typicality

66. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

67. Plaintiff Lisa Kim Madrigal's claims are typical of the claims of the members of the putative Classes because Plaintiff bought the Flavored Water Products during the applicable Class period. Defendants' unlawful, unfair, and/or fraudulent actions concern the same business practices described herein irrespective of where they occurred or were experienced.

68. Plaintiff and each Class member sustained similar injuries arising out of Defendants' conduct in violation of law. The injuries of each member of the Class were caused directly by Defendants' wrongful conduct.

69. In addition, the factual underpinning of Defendants' misconduct is common to all members of the putative Class and represents a common thread of misconduct resulting in injury to all members of the Class. Plaintiff's claims arise from the same practices and course of conduct that give rise to the claims of the members of

the putative Class and are based on the same legal theories.

70. The core issues which predominate over all the other issues in this litigation involve Defendants' unfair, deceptive, and unconscionable acts and practices that violate California consumer protection laws, including, but not limited to, California Business & Professions Code § 17200, *et seq.*, and California Civil Code § 1750, *et seq.*, as discussed above.

71. Upon information and belief, there has never been a prior lawsuit certified as a Class action on behalf of Plaintiff or the Class based on the allegations in this Complaint.

D. Adequacy

72. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

73. Plaintiff Lisa Kim Madrigal will fairly and adequately represent and protect the interests of the Class. Counsel who represent Plaintiff and putative Class members are experienced and competent in litigating class actions.

74. Plaintiff Lisa Kim Madrigal will fairly and adequately protect the interests of the Class and is committed to the vigorous prosecution of this action. Plaintiff Lisa Kim Madrigal has retained competent counsel, experienced in litigation of this nature, to represent her and members of the Class. There is no hostility between Plaintiff and the unnamed Class members. Plaintiff anticipate no difficulty in the management of this litigation as a Class action.

75. To prosecute this case, Plaintiff has chosen the law firm of Joseph Farzam Law Firm who has acted in representing plaintiffs in numerous class actions and as private attorneys general in bringing public interest actions.

E. Superiority of Class Action

76. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly

situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

77. Common issues predominate where, as here, liability can be determined on a Class-wide basis, even where there are some individualized damages. When determining whether common questions predominate, courts focus on the liability issue. If the liability issue is common to the Class, as in the case at bar, common questions are held to predominate over individual questions. In this case, the questions of law or fact common to the claims of Plaintiff and each Class member predominate over any questions of law or fact affecting only individual members of the Class. All claims by named Plaintiff and unnamed Class members are based on the same alleged "across the board" unfair, deceptive, and unconscionable acts and practices that violate California consumer protection laws, including, but not limited to, California Business & Professions Code § 17200, *et seq.*, and California Civil Code § 1750, *et seq.*, as discussed above. These acts and practices include Defendants' false labeling.

78. In this case, a Class action is superior to other available methods for the fair and efficient adjudication of the controversy. Since the amount of each individual Class member's claim is small relative to the complexity of the litigation, and due to the financial resources of the Defendants, no Class member could afford to seek legal redress individually for the claims alleged herein. Therefore, absent a Class action, the Class members will continue to suffer losses and the Defendants' violations of the law will proceed without remedy.

79.A Class action is superior to other available means for the fair and efficient adjudication of this controversy. Individual joinder of putative Class members is not practicable, and questions of law and fact common to putative Class members predominate over any questions affecting only individual putative Class members. Each putative Class member has been damaged and is entitled to recovery by reason

of Defendants' false labeling.

80. Further, joinder of all Class members would create extreme hardship and inconvenience for the affected consumers because of their immense geographical dispersion.

81. Injunctive relief is appropriate as to the Class as a whole because Defendants have acted or refused to act on grounds generally applicable to the Class.

82. Notice to the Class members may be accomplished efficiently and in a manner best designed to protect the rights of all Class members.

83. Whatever difficulties may exist in the management of the Class action will be greatly outweighed by the benefits of the Class action procedures, including but not limited to, providing the Class members with a method for the redress of claims that may not otherwise justify individual litigation.

84. Finally, even if feasible, individual actions by each member of the Class would create a substantial risk (i) of inconsistent or varying adjudications with respect to the claims of each member against Defendants, which in turn could establish potentially incompatible standards of conduct for Defendants, and/or (ii) of adjudications with respect to individual members that would, as a practical matter, be dispositive of the interests of the other members.

FIRST CAUSE OF ACTION

(Unlawful Business Practices in Violation of Bus. & Prof. Code § 17200 *et seq.*)
(Against all Defendants)

85. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

86. Defendants' conduct constitutes unlawful business acts and practices under Business & Professions Code § 17200, *et seq.*

87. Defendants sold Flavored Water Products in California and throughout the United States during the Class period.

88. Defendant Hint is a corporation and, therefore, is a "person" within the meaning of the Sherman Food Drug & Cosmetic Law, California Health & Safety Code § 109875, *et seq.* (the "Sherman Law"). The Sherman Law adopts, incorporates and is identical to the federal Food, Drug & Cosmetic Act, 21 U.S.C. § 301 *et seq.* ("FDCA").

89. Defendants' business practices are unlawful under § 17200, *et seq.*, by virtue of Defendants' violations of the advertising provisions of Article 3 of the Sherman Law and the misbranded food provisions of Article 6 of the Sherman Law.

90. Defendants' business practices are unlawful under Business & Professions Code § 17200, *et seq.* by virtue of Defendants' violations of § 17500, *et seq.*, which forbids untrue and misleading advertising.

91. Defendants' business practices are unlawful under Business & Professions Code § 17200, *et seq.* by virtue of Defendants' violations of the Consumers Legal Remedies Act, Cal. Civ. Code § 1750, *et seq.*

92. Under California law, a food product that is misbranded cannot legally be manufactured, advertised, distributed, held or sold. Misbranded products cannot be legally sold, possessed, have no economic value, and are legally worthless.

93. Indeed the sale, purchase or possession of misbranded food is a criminal act in California and the FDA even threatens food companies with seizure of misbranded products.

94. Defendants sold products, including the Flavored Water Products, to Plaintiff and members of the putative class.

95. Flavored Water Products that were not capable of being sold or legally held and which had no economic value and were legally worthless. Plaintiff and each putative class member paid a premium price for the Flavored Water Products. Plaintiff would not have purchased the Flavored Water Products had she known that those products were illegal to sell and/or possess.

96. As a result of Defendants' illegal business practices, Plaintiff and the members of the putative class are entitled to an order enjoining such future conduct and such other orders and judgments which may be necessary to disgorge Defendants' ill-gotten gains and to restore to any putative class member any money paid for the Flavored Water Products.

97. Defendants' unlawful business acts present a threat and reasonable continued likelihood of injury to Plaintiff and each member of the putative class.

SECOND CAUSE OF ACTION

(Unfair Business Practices in Violation of Bus. & Prof. Code § 17200 *et seq.*)
(Against all Defendants)

98. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

99. The UCL defines unfair business competition to include any "unlawful, unfair or fraudulent" act or practice, as well as any "unfair, deceptive, untrue or misleading" advertising. Cal. Bus. & Prof. Code § 17200.

100. A business act or practice is "unfair" under the UCL if the reasons, justifications, and motives of the alleged wrongdoer are outweighed by the gravity of the harm to the alleged victims.

101. Defendants' conduct as set forth herein constitutes unfair business acts and practices.

102. Defendants sold Flavored Water Products in California and throughout the United States during the Class Period.

103. Plaintiff and the members of the putative class suffered a substantial injury by virtue of buying Defendants' Flavored Water Products, which they would not have purchased absent Defendants' illegal conduct.

104. Defendants' deceptive marketing, advertising, packaging and labeling of their Flavored Water Products and their sale of unsalable misbranded products

that were illegal to possess were of no benefit to consumers, and the harm to consumers and competition is substantial.

105. Defendants sold Plaintiff and the members of the putative class Flavored Water Products that were not capable of being legally sold or held and that had no economic value and were legally worthless. Plaintiff and the members of the putative class paid a premium price for the Flavored Water Products. Plaintiff and the members of the putative class who purchased Defendants' Flavored Water Products had no way of reasonably knowing that the products were misbranded and were not properly marketed, advertised, packaged and labeled, and thus could not have reasonably avoided the injury each of them suffered.

106. The consequences of Defendants' conduct as set forth herein outweigh any justification, motive or reason therefor. Defendants' conduct is and continues to be unlawful, unscrupulous and contrary to public policy, and is substantially injurious to Plaintiff and the members of the putative class.

107. As a result of Defendants' conduct, Plaintiff and the members of the putative class, pursuant to Business and Professions Code § 17203, are entitled to an order enjoining such future conduct by Defendants, and such other orders and judgments which may be necessary to disgorge Defendants' ill-gotten gains and restore any money paid for Defendants' Flavored Water Products by Plaintiff and the members of the putative class.

THIRD CAUSE OF ACTION

(Fraudulent Business Practices Violating Bus. & Prof. Code § 17200 *et seq.*)
(Against all Defendants)

108. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

109. Defendants' conduct as set forth herein constitutes fraudulent business practices under California Business and Professions Code sections § 17200, *et seq.*

110. Defendants sold Flavored Water Products in California and throughout the United States during the class period.

111. Defendants' misleading marketing, advertising, packaging, and labeling of the Flavored Water Products and misrepresentation that the products were capable of sale, capable of possession, and not misbranded were likely to deceive reasonable consumers, and in fact Plaintiff and the members of the putative class were deceived.

112. Defendants' fraud and deception caused Plaintiff and the members of the putative class to purchase Flavored Water Products that they would otherwise not have purchased had they known the true nature of those products.

113. Defendants sold Plaintiff and the members of the putative class Flavored Water Products that were not capable of being sold or legally held and that had no economic value and were legally worthless. Plaintiff and the members of the putative class paid a premium price for the Flavored Water Products.

114. As a result of Defendants' conduct as set forth herein, Plaintiff and each member of the putative class, pursuant to Business and Professions Code § 17203, are entitled to an order enjoining such future conduct by Defendants, and such other orders and judgments which may be necessary to disgorge Defendants' ill-gotten gains and restore any money paid for Defendants' Flavored Water Products b Plaintiff and the members of the putative class.

FOURTH CAUSE OF ACTION

(Misleading Advertising in Violation of Bus. & Prof. Code § 17500 *et seq.*)

(Against all Defendants)

115. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

116. Plaintiffs assert this cause of action for violations of California Business and Professions Code § 17500, *et seq.*, for misleading and deceptive

advertising against Defendants.

117. Defendants sold Flavored Water Products in California and throughout the United States during the class period. Defendants engaged in a scheme of offering the Flavored Water Products for sale to Plaintiff and the members of the putative class by way of, inter alia, product packaging and labeling, and other promotional materials. These materials misrepresented and/or omitted the true contents and nature of Defendants' Flavored Water Products.

118. Defendants' advertisements and inducements were made within California and throughout the United States and come within the definition of advertising as contained in Business and Professions Code §17500, *et seq.*, in that such product packaging and labeling, and promotional materials were intended as inducements to purchase Defendants' Flavored Water Products and are statements disseminated by Defendants to Plaintiff and the members of the putative class that were intended to reach the members of the putative class. Defendants knew, or in the exercise of reasonable care should have known, that these statements were misleading and deceptive as set forth herein.

119. In furtherance of its plan and scheme, Defendants prepared and distributed within California and nationwide via product packaging and labeling, and other promotional materials, statements that misleadingly and deceptively represented the composition and the nature of Defendants' Flavored Water Products. Plaintiff and members of the putative class necessarily and reasonably relied on Defendants' material and were the intended targets of such representations.

120. Defendants' conduct in disseminating misleading and deceptive statements in California and nationwide to Plaintiff and the members of the putative class was and is likely to deceive reasonable consumers by obfuscating the true composition and nature of Defendants' Flavored Water Products, in violation of the "misleading prong" of California Business and Professions Code § 17500, *et seq.*

121. As a result of Defendants' violations of the "misleading prong" of California Business and Professions Code § 17500, *et seq.*, Defendants have been unjustly enriched at the expense of Plaintiff and the members of the putative class. Misbranded products cannot be legally sold or held and have no economic value and are legally worthless. Plaintiff and the members of each Class paid a premium price for the Flavored Water Products.

122. Plaintiff and the members of the putative class, pursuant to Business and Professions Code § 17535, are entitled to an order enjoining such future conduct by Defendants, and such other orders and judgments which may be necessary to disgorge Defendants' ill-gotten gains and restore any money paid for Defendants' Flavored Water Products by Plaintiff and the members of the putative class.

FIFTH CAUSE OF ACTION

(Untrue Advertising in Violation of Bus. & Prof. Code § 17500 *et seq.*)
(Against all Defendants)

123. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

124. Plaintiffs assert this cause of action against Defendant for violations of California Business and Professions Code § 17500, *et seq.*, regarding untrue advertising. Defendants sold Flavored Water Products in California and throughout the United States during the class period.

125. Defendants engaged in a scheme of offering Defendants' Flavored Water Products for sale to Plaintiff and the members of the putative class by way of product packaging and labeling, and other promotional materials. These materials misrepresented and/or omitted the true contents and nature of Defendants' Flavored Water Products. Defendants' advertisements and inducements were made in California and throughout the United States and come within the definition of advertising as contained in Business and Professions Code §17500, *et seq.*, in that

the product packaging, labeling, and promotional materials were intended as inducements to purchase Defendants' Flavored Water Products and are statements disseminated by Defendants to Plaintiff and the members of the putative class. Defendants knew, or in the exercise of reasonable care should have known, that these statements were untrue.

126. In furtherance of its plan and scheme, Defendants prepared and distributed in California and nationwide via product packaging and labeling, and other promotional materials, statements that falsely advertise the composition of Defendants' Flavored Water Products, and falsely misrepresented the nature of those products. Plaintiff and the members of the putative class were the intended targets of such representations and would reasonably be deceived by Defendants' materials.

127. Defendants' conduct in disseminating untrue advertising throughout California deceived Plaintiff and the members of the putative class by obfuscating the contents, nature, and quality of Defendants' Flavored Water Products, in violation of the "untrue prong" of California Business and Professions Code § 17500.

128. As a result of Defendants' violations of the "untrue prong" of California Business and Professions Code § 17500, *et seq.*, Defendants have been unjustly enriched at the expense of Plaintiff and the members of the putative class. Misbranded products cannot be legally sold or held and have no economic value and are legally worthless. Plaintiff and the members of the putative class paid a premium price for the Flavored Water Products.

129. Plaintiff and the members of the putative class, pursuant to Business and Professions Code § 17535, are entitled to an order enjoining such future conduct by Defendants, and such other orders and judgments which may be necessary to disgorge Defendants' ill-gotten gains and restore any money paid for Defendants' Flavored Water Products by Plaintiff and the members of the putative class.

SIXTH CAUSE OF ACTION

(Violation of the CLRA, California Civil Code §§ 1750, *et seq.*)

(Against all Defendants)

130. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein

131. This cause of action is brought pursuant to the Consumers Legal Remedies Act, California Civil Code §§ 1750, *et seq.* (the "CLRA").

132. Plaintiff and each member of the putative class are "consumers" within the meaning of Civil Code § 1761(d).

133. The purchases of the Defendants' Flavored Water Products by consumers constitute "transactions" within the meaning of Civil Code § 1761(e), and the Flavored Water Products offered by Defendants constitute "goods" within the meaning of Civil Code § 1761(a).

134. Defendants have violated, and continue to violate, the CLRA in at least the following respects:

a. In violation of Civil Code § 1770(a)(5), Defendants represented that the Flavored Water Products had characteristics which they did not have;

b. In violation of Civil Code § 1770(a)(7), Defendants represented that the Flavored Water Products were of a particular standard, quality, or grade, of which they were not; and

c. In violation of Civil Code § 1770(a)(9), Defendants advertised the Flavored Water Products with the intent not to provide what it advertised.

135. As a direct and proximate cause of Defendants' violation of the CLRA as alleged hereinabove, Plaintiff and members of the putative class have suffered damages, including but not limited to inducing them to purchase the Flavored Water Products and pay a premium therefor where such products did not conform to

Defendants' representations, thereby causing Plaintiff and putative class members to incur a pecuniary loss.

136. Pursuant to California Civil Code § 1780, Plaintiff, on behalf of herself and the putative class, seeks damages, restitution, injunctive relief, punitive damages, attorneys' fees, and the costs of litigation.

SEVENTH CAUSE OF ACTION

(Restitution Based on Quasi-Contract/Unjust Enrichment)
(Against all Defendants)

137. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

138. Defendants' conduct in enticing Plaintiff and putative class members to purchase the Flavored Water Products through their false and misleading advertising and packaging as described throughout this Complaint is unlawful because the statements contained on Defendants' product labels are untrue.

139. Defendants' took monies from Plaintiff and members of the putative class for products that purported to comply with the representations set forth above, even though the Flavored Water Products did not conform to these representations.

140. Defendants have been unjustly enriched at the expense of Plaintiff and the putative class as result of Defendants' unlawful conduct alleged herein, thereby creating a quasi-contractual obligation on Defendants to restore these ill-gotten gains to Plaintiff and putative class members.

141. As a direct and proximate result of Defendants' unjust enrichment, Plaintiff and putative class members are entitled to restitution or restitutionary disgorgement, in an amount to be proved at trial.

EIGHTH CAUSE OF ACTION

(Breach of Express Warranty)
(Against all Defendants)

142. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others

similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

143. By advertising and selling the Flavored Water Products at issue here as "Natural," "100% Natural," and "All Natural," and containing "No Fake Stuff," Defendants made promises and affirmations of fact on the product packaging and through their marketing and advertising, as described above. This marketing and advertising constitutes an express warranty and became part of the basis of the bargain between Plaintiff and members of the Class on the one hand and Defendants on the other.

144. Furthermore, Defendants' description of the Flavored Water Products as "Natural," "100% Natural," and "All Natural," and containing "No Fake Stuff," was made part of the basis of the bargain between Plaintiff and members of the Class on the one hand and Defendants on the other, and, for this additional and separate reason, also creates an express warranty.

145. Despite Defendants' express warranty that its Flavored Water Products are "Natural," "100% Natural," and "All Natural," and contain "No Fake Stuff," these products contain one or more of the synthetic, artificial, and/or highly processed ingredients, including propylene glycol identified hereinabove.

146. Defendants have breached their express warranties about the Flavored Water Products and their qualities because these products do not conform to Defendants' stated affirmations and promises to be "Natural," "100% Natural," and "All Natural," and containing "No Fake Stuff."

147. As a result of Defendants' breach of express warranty, Plaintiff and members of the Class were harmed in the amount of the purchase price they paid for these products. Moreover, Plaintiff and members of the Class have suffered and continue to suffer economic losses and other general and specific damages, including but not limited to the amounts paid for the Flavored Water Products, and

any interest that would have accrued on those monies, all in an amount to be proven at trial.

NINTH CAUSE OF ACTION
(Negligent Misrepresentation)
(Against all Defendants)

148. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

149. Defendants, directly or through their agents and employees, made false misrepresentations to Plaintiff and member of the Class.

150. Defendants owed a duty to Plaintiff and members of the Class to disclose the material facts set forth above about the Flavored Water Products containing one or more of the synthetic, artificial, and/or highly processed ingredients, including propylene glycol identified hereinabove.

151. In making the representations, and in doing the acts alleged above, Defendants acted without any reasonable grounds for believing the representations were true and intended by said representations to induce the reliance of Plaintiff and members of the Class.

152. Plaintiff and members of the Class reasonably and justifiably relied on Defendants' misrepresentations when purchasing the Flavored Water Products, were unaware of the existence of facts that Defendants suppressed and failed to disclose and, had the facts been known, would not have purchased the Flavored Water Products and/or purchased them at the price at which they were offered.

153. As a direct and proximate result of these misrepresentations, Plaintiff and members of the Class have suffered and continue to suffer economic losses and other general and specific damages, including but not limited to the amounts paid for the Flavored Water Products, and any interest that would have accrued on those monies, all in an amount to be proven at trial.

TENTH CAUSE OF ACTION

(Breach of Contract)

(Against all Defendants)

154. Plaintiff Lisa Kim Madrigal, individually and on behalf of all others similarly situated, hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

155. Plaintiff and members of the Class had a valid contract, supported by sufficient consideration, pursuant to which Defendants were obligated to provide all-natural products which did not contain any synthetic, artificial or highly processed ingredients.

156. Defendants materially breached their contract with Plaintiff and members of the Class by providing the Flavored Water Products which were not free from artificial, synthetic or highly processed ingredients, including propylene glycol identified hereinabove.

157. As a result of Defendants' breach, Plaintiff and members of the Class were damaged in that they received a product of less value than one for which they paid. Plaintiff and members of the Class have suffered and continue to suffer economic losses and other general and specific damages, including but not limited to the amounts paid for the Flavored Water Products, and any interest that would have accrued on those monies, all in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Lisa Kim Madrigal, on behalf of herself and on behalf of the other members of the putative class, pray as follows:

A. For an order certifying that this action is properly brought and may be maintained as a class action, that Plaintiff Lisa Kim Madrigal be appointed the Class Representative, and that Plaintiff's counsel be appointed counsel for the class;

B. For restitution in such amount that Plaintiff and all putative class members

paid to purchase the Flavored Water Products, or the premiums paid therefor on account of the misrepresentation as alleged above, or restitutionary disgorgement of the profits Defendants have obtained from those transactions;

C. For compensatory damages for causes of action for which they are available;

D. For statutory damages allowable under Civil Code § 1780;

E. For punitive damages for causes of action for which they are available;

F. For a declaration and order enjoining Defendants from advertising their products misleadingly in violation of California's Sherman Food, Drug, and Cosmetic Law, and other applicable laws and regulations as specified in this Complaint;

G. For an order awarding reasonable attorneys' fees and the costs of suit herein;

H. For an award of pre- and post-judgment interest;

I. For an order requiring an accounting for, and imposition of, a constructive trust upon all monies received by Defendants' as a result of the unfair, misleading, fraudulent and unlawful conduct alleged herein; and

J. Such other and further relief as may be deemed necessary or appropriate.

Dated: January 16, 2017

JOSEPH FARZAM LAW FIRM

By: _____

Joseph Farzam
Attorneys for Plaintiff Lisa Kim Madrigal, Individually and on Behalf of All Other Similarly Situated

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in this matter.

Dated: January 16, 2017

JOSEPH FARZAM LAW FIRM

By: _____

Attorneys for Plaintiff Lisa Kim Madrigal, Individually and on Behalf of All Other Similarly Situated

EXHIBIT A

gear up for school the hint-healthy way! take 20% off sitewide with code HINTB2S - ends 8/31/16. some exclusions ap

shop now! (/buy-now) subscribe to hint® (/subscribe-to-hint-water) login / register (/cart)

faq (https://drinkhint.zendesk.com/hc/en-us/categories/200137764-faq) explore (https://blog.drinkhint.com/)

our story (http://blog.drinkhint.com/best-bottled-water-fruit-infused-delivery-our-story-hint/) gallery (/gallery)

blackberry hint® water

$22

★★★★★878 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00	SUBSCRIPTION 27% OFF $16.00

- 1 + ADD TO CART

"I know I need to drink more water (don't we all?) but plain water just doesn't do it for me. I started trying out the different hint flavors and I became hooked! blackberry is the best of all, it has a very slightly sweet taste of blackberry, but without any calories or sugar. try it, you'll like it!" - hint® fan California Mom

- pure water, with a light taste of blackberry
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- all natural made from non-GMO plants
- one case of twelve 16 oz. bottles

gear up for school the hint-healthy way! take 20% off sitewide with code HINTB2S - ends 8/31/16. some exclusions ap

blackberry hint® water

$22

★★★★★878 Reviews

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ONE TIME ORDER	SUBSCRIPTION 27% OFF
$22.00	$16.00

1 + ADD TO CART

Ingredients: purified water, blackberry and other natural flavors from non-GMO plants.

hint is all-natural, vegan and free of calories, MSG, nuts, peanuts, soy, gluten, and preservatives.

contains no juice

Nutrition Facts

Serving Size:16 fl oz (474 mL)	
Serving Per Container 1	
Amount Per Serving	
Calories 0	
	% Daily Values*
Total Fat 0g	0%
Sodium 0mg	0%
Total Carb. 0g	0%
Protein 0g	

* Daily Values are based on a 2,000 calorie diet

PETE

"I know I need to drink more water (don't we all?) but plain water just doesn't do it for me. I started trying out the different hint flavors and I became hooked! blackberry is the best of all, it has a very slightly sweet taste of blackberry, but without any calories or sugar. try it, you'll like it!" - hint® fan California Mom

- pure water, with a light taste of blackberry
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- all natural made from non-GMO plants
- one case of twelve 16 oz. bottles

pineapple hint® water

$22

★★★★★832 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00	SUBSCRIPTION 27% OFF $16.00

- 1 + ADD TO CART

tastes like water washed in fruit! delicious and refreshing! - hint® fan Heather

- pure water, with a bright splash of pineapple
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- all natural made from non-GMO plants
- one case of twelve 16 oz. bottles

COMMENTS

Ask questions & share your experience with others

Other top rated products

< >

crisp apple hint® water

$22

★★★★★825 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00	SUBSCRIPTION 27% OFF $16.00

Ships on 8/30/16

- 1 + PRE-ORDER

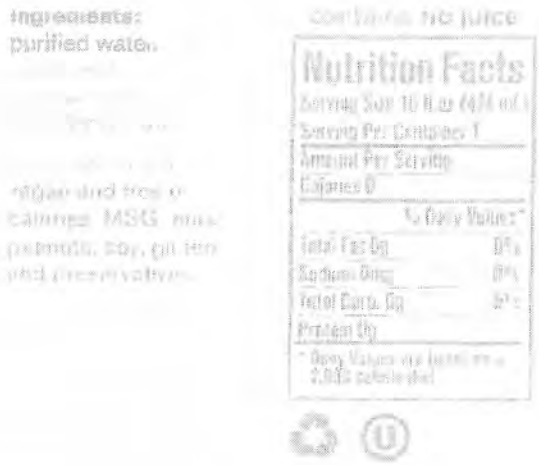
"so much better than a sugary drink, totally quenches my thirst but still has flavor to keep me drinking it." - hint® fan C.M.

- pure water, with a delicious taste of tangy apple
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- all natural made from non-GMO plants
- one case of twelve 16 oz. bottles

COMMENTS

Ask questions & share your experience with others

Qther top rated products >



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COMMENTS

Ask questions & share your experience with others

Qther top rated products >

peach hint® water

★★★★★890 Reviews

SELECT YOUR PLAN

ONE TIME ORDER	SUBSCRIPTION 27% OFF
$22.00	$16.00

1 + ADD TO CART

"these waters are so refreshing! just a bit of flavor to make all of these drinks so tasty. so many other flavored drinks are sweetened with sugar or artificial sweeteners. this is just clean flavor." - hint® fan M F B

- pure water, lightly flavored with peach
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- all natural made from non-GMO plants
- one case of twelve 16 oz. bottles

COMMENTS

peach hint® water

★★★★★890 Reviews

SELECT YOUR PLAN

ONE TIME ORDER	SUBSCRIPTION 27% OFF
$22.00	$16.00

- 1 + ADD TO CART

Ingredients: purified water, peach and other natural flavors from non-GMO plants.

hint is all-natural, vegan and free of calories, MSG, nuts, peanuts, soy, gluten, and preservatives.

contains no juice

Nutrition Facts

Serving Size:16 fl oz (474 mL)	
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PETE

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- pure water, lightly flavored with peach
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- all natural made from non-GMO plants
- one case of twelve 16 oz. bottles

COMMENTS

raspberry hint® water

★★★★★828 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00	SUBSCRIPTION 27% OFF $16.00

1 + ADD TO CART

"this is great tasting refreshment in a bottle. love that it has no sugar or artificial sweeteners, just wonderful fruit flavors." - hint® fan J P

- pure water, lightly flavored with raspberry
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- all natural made from non-GMO plants
- one case of twelve 16oz. bottles

COMMENTS

Ask questions & share your experience with others

Ingredients:
purified water, raspberry and other natural flavors from non-GMO plants.

hint is all-natural, vegan and free of calories, MSG, nuts, peanuts, soy, gluten, and preservatives.

contains no juice

Nutrition Facts

Serving Size: 16 fl oz (474 mL)	
Serving Per Container 1	
Amount Per Serving	
Calories 0	
	% Daily Values*
Total Fat 0g	0%
Sodium 0mg	0%
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* Daily Values are based on a 2,000 calorie diet

PETE

raspberry hint® water

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$22.00	$16.00

- 1 + ADD TO CART

"this is great tasting refreshment in a bottle. love that it has no sugar or artificial sweeteners, just wonderful fruit flavors." - hint® fan J P

- pure water, lightly flavored with raspberry
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- all natural made from non-GMO plants
- one case of twelve 16oz. bottles

COMMENTS

Ask questions & share your experience with others

shop now (/buy-now) subscribe to hint® (/subscribe-to-hint-water) login / register (/cart)

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watermelon hint® water

★★★★★1004 Reviews

SELECT YOUR PLAN

ONE TIME ORDER	SUBSCRIPTION 27% OFF
$22.00	$16.00

- 1 + ADD TO CART

"I LOVE hint® waters...watermelon is one of my favorites. I find it hard to drink plain water and with hint, it gives it just that, a bit of sweetness and makes it super easy to drink a lot of water!" - hint® fan Brownbie

- pure water, with a splash of refreshing watermelon
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- all natural made from non-GMO plants
- one case of twelve 16 oz. bottles

COMMENTS

ingredients:
purified water, watermelon and other natural flavors from non-GMO plants.

hint is all-natural, vegan and free of calories, MSG, nuts, peanuts, soy, gluten, and preservatives.

contains no juice

Nutrition Facts

Serving Size:16 fl oz (474 ml.	
Serving Per Container 1	
Amount Per Serving	
Calories 0	
	% Daily Values*
Total Fat 0g	0%
Sodium 0mg	0%
Total Carb. 0g	0%
Protein 0g	

* Daily Values are based on a 2,000 calorie diet

PETE

watermelon hint® water

★★★★★1004 Reviews

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ONE TIME ORDER	SUBSCRIPTION 27% OFF
$22.00	$16.00

- 1 + ADD TO CART

"I LOVE hint® waters...watermelon is one of my favorites. I find it hard to drink plain water and with hint, it gives it just that, a bit of sweetness and makes it super easy to drink a lot of water!" - hint® fan Brownbie

- pure water, with a splash of refreshing watermelon
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- all natural made from non-GMO plants
- one case of twelve 16 oz. bottles

COMMENTS

black raspberry hint kick™

★★★★★598 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00	SUBSCRIPTION 27% OFF $16.00

- 1 + ADD TO CART

hint water with all natural caffeine and black raspberry

- 0 diet sweeteners
- 0 calories
- 0 preservatives
- 60 mg caffeine
- vegan, gluten-free, kosher
- all natural made from non-GMO plants
- one case of twelve 16 oz. bottles

check out our other hint kick™ flavors! (http://www.drinkhint.com/hint-kick)

COMMENTS

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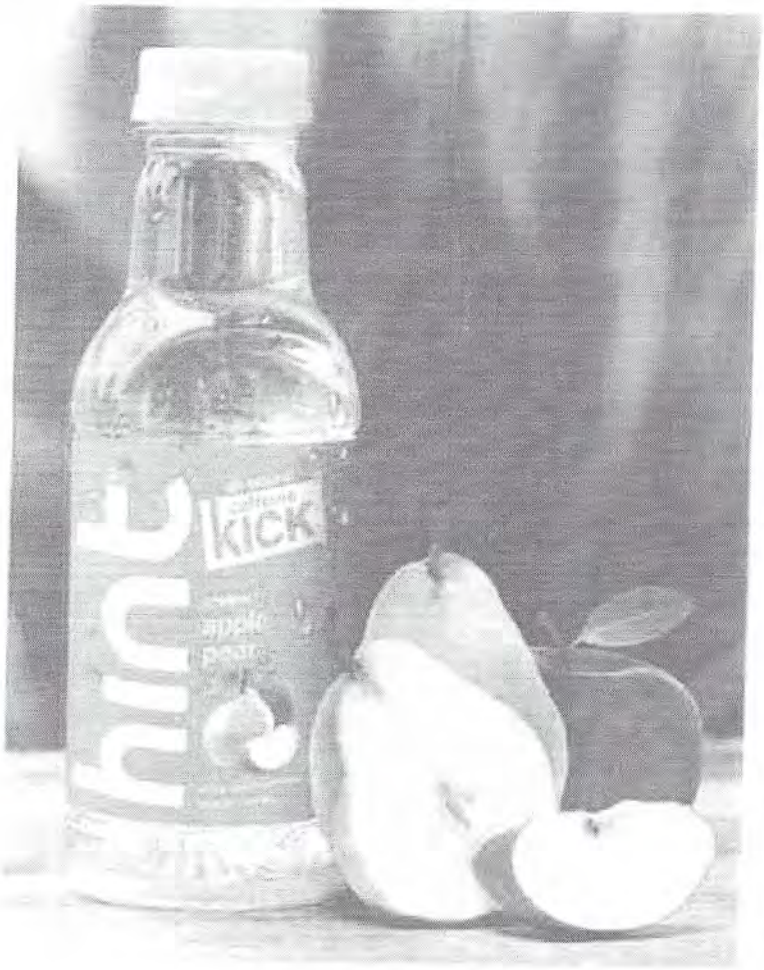

apple pear hint kick™

★★★★★563 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00	SUBSCRIPTION 27% OFF $16.00

- 1 + ADD TO CART

hint water with all natural caffeine and apple pear

- 0 diet sweeteners
- 0 calories
- 0 preservatives
- 60 mg caffeine
- vegan, gluten-free, kosher
- all natural made from non-GMO plants
- one case of twelve 16 oz. bottles

check out our other hint kick™ flavors! (http://www.drinkhint.com/hint-kick)

COMMENTS

Ask questions & share your experience with others

lemon cayenne hint kick™

★★★★☆524 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00	SUBSCRIPTION 27% OFF $16.00

- 1 + ADD TO CART

hint water with all natural caffeine and lemon cayenne

- 0 diet sweeteners
- 0 calories
- 0 preservatives
- 60 mg caffeine
- vegan, gluten-free, kosher
- all natural made from non-GMO plants
- one case of twelve 16 oz. bottles

check out our other hint kick™ flavors! (http://www.drinkhint.com/hint-kick)

COMMENTS

Ask questions & share your experience with others

cherry hint fizz®

★★★★½ 584 Reviews

SELECT YOUR PLAN

ONE TIME ORDER	SUBSCRIPTION 27% OFF
$22.00	$16.00

- 1 + ADD TO CART

- all natural sparkling refreshment with a splash of vibrant cherry
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- natural flavor from non-GMO plants
- one case of twelve 16.9 oz. bottles

*Ingress alert: Please note that due to the small size of the caps, Ingress game codes are not included on fizz caps.

COMMENTS

Ask questions & share your experience with others

cherry hint fizz®

★★★★½ 584 Reviews

SELECT YOUR PLAN

ONE TIME ORDER	SUBSCRIPTION 27% OFF
$22.00	$16.00

1 + ADD TO CART

- all natural sparkling refreshment with a splash of vibrant cherry
- zero diet sweeteners
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- vegan, gluten-free, kosher
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- one case of twelve 16.9 oz. bottles

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COMMENTS

Ask questions & share your experience with others

peach hint fizz®

★★★★½ 459 Reviews

peach hint fizz®

$22

★★★★½ 459 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00	SUBSCRIPTION 27% OFF $16.00

− 1 + ADD TO CART

"hint® water is perfection! I love water plain, but from time to time crave some taste, but want to steer clear of soda & sugar; this fits the bill! it's refreshing and quenches both thirst and a craving for taste with just a bit of flavor!" - hint® fan Lindey M.

- all natural sparkling refreshment, lightly flavored with peach
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- natural flavors from non-GMO plants
- one case of twelve 16.9 oz. bottles

*Ingress alert: Please note that due to the small size of the caps, Ingress game codes are not included on fizz caps.

watermelon hint fizz®

$22

★★★★☆456 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00	SUBSCRIPTION 27% OFF $16.00

1 + ADD TO CART

I LOVE hint® waters...watermelon is one of my favorites. I find it hard to drink plain water and with hint®, it gives it just that, a bit of sweetness and makes it super easy to drink a lot of water! - hint® fan Brownbie

- all natural sparkling refreshment with a splash of refreshing watermelon
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- natural flavor from non-GMO plants
- one case of twelve 16.9 oz. bottles

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watermelon hint fizz®

$22

★★★★½ 457 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00	SUBSCRIPTION 27% OFF $16.00

- 1 + ADD TO CART

I LOVE hint® waters...watermelon is one of my favorites. I find it hard to drink plain water and with hint®, it gives it just that, a bit of sweetness and makes it super easy to drink a lot of water! - hint® fan Brownbie

- all natural sparkling refreshment with a splash of refreshing watermelon
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- natural flavor from non-GMO plants
- one case of twelve 16.9 oz. bottles

*Ingress alert: Please note that due to the small size of the caps, Ingress game codes are not included on fizz caps.

grapefruit hint fizz®

$22

★★★★½ 453 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00	SUBSCRIPTION 27% OFF $16.00

- 1 + ADD TO CART

"I'm not a water plain drinker and I hate the taste of fake sugar. after one bottle of hint® I knew I'd found the flavored water I've been looking for - I'm hooked! I love both the essence & sparkling waters! thanks!" - hint® fan Keisha W.W.

- all natural sparkling refreshment, lightly flavored with grapefruit
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- all natural made from non-GMO plants
- one case of twelve 16.9 oz. bottles

*Ingress alert: Please note that due to the small size of the caps, Ingress game codes are not included on fizz caps.

grapefruit hint fizz®

$22

★★★★☆453 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00	SUBSCRIPTION 27% OFF $16.00

- 1 + ADD TO CART

"I'm not a water plain drinker and I hate the taste of fake sugar. after one bottle of hint® I knew I'd found the flavored water I've been looking for - I'm hooked! I love both the essence & sparkling waters! thanks!" - hint® fan Keisha W.W.

- all natural sparkling refreshment, lightly flavored with grapefruit
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- all natural made from non-GMO plants
- one case of twelve 16.9 oz. bottles

*Ingress alert: Please note that due to the small size of the caps, Ingress game codes are not included on fizz caps.

strawberry-kiwi hint fizz®
(16.9 oz) - 1 case of 12

$22

★★★★½ 444 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00	SUBSCRIPTION 27% OFF $16.00

- 1 + ADD TO CART

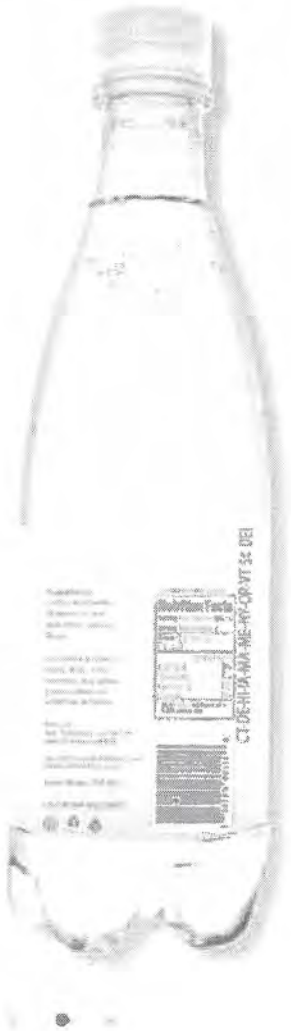
"I just tried hint® for the first time. it is strawberry-kiwi!! I just love it! great knowing I am drinking something healthy for me and it tastes great too!" - hint® fan Becky L

- all natural sparkling refreshment, lightly flavored with strawberry and kiwi
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- natural flavor from non-GMO plants
- one case of twelve 16.9 oz. bottles

*Ingress alert: Please note that due to the small size of the caps, Ingress game codes are not included on fizz caps.

hint (/)
drink water, not sugar

login / register
(/cart)



strawberry-kiwi hint fizz®
(16.9 oz) - 1 case of 12

$22

★★★★☆444 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00	SUBSCRIPTION 27% OFF $16.00

- 1 + ADD TO CART

"I just tried hint® for the first time. it is strawberry-kiwi!! I just love it! great knowing I am drinking something healthy for me and it tastes great too!" - hint® fan Becky L

- all natural sparkling refreshment, lightly flavored with strawberry and kiwi
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- natural flavor from non-GMO plants
- one case of twelve 16.9 oz. bottles

*Ingress alert: Please note that due to the small size of the caps, Ingress game codes are not included on fizz

blackberry hint fizz®

$22

★★★★☆461 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00	SUBSCRIPTION 27% OFF $16.00

1 + ADD TO CART

"I've never fallen in love with water in my life, but hint® has changed that." - hint® fan Maria V

- all natural sparkling refreshment, lightly flavored with blackberry
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- natural flavor from non-GMO plants
- one case of twelve 16.9 oz. bottles

*Ingress alert: Please note that due to the small size of the caps, Ingress game codes are not included on fizz caps.

COMMENTS

Ask questions & share your experience with others

blackberry hint fizz®

$22

★★★★☆ 451 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00

SUBSCRIPTION 27% OFF $16.00

- 1 + ADD TO CART

"I've never fallen in love with water in my life, but hint® has changed that." - hint® fan Maria V

- all natural sparkling refreshment, lightly flavored with blackberry
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- natural flavor from non-GMO plants
- one case of twelve 16.9 oz. bottles

*Ingress alert: Please note that due to the small size of the caps, Ingress game codes are not included on fizz caps.

COMMENTS

Ask questions & share your experience with others

blood orange hint® water

$22

★★★★½ 799 Reviews

SELECT YOUR PLAN

ONE TIME ORDER $22.00	SUBSCRIPTION 27% OFF $16.00

- 1 + ADD TO CART

"oh my gosh! I just tried hint® - blood orange this evening for the first time and I LOVE it! it is refreshing and I like that it is healthy with nothing artificial, no gmo's, etc ... I am sold!!!" - hint® fan Valerie H.G.

- pure water, with a sophisticated twist of blood orange
- zero diet sweeteners
- zero calories
- zero preservatives
- vegan, gluten-free, kosher
- all natural made from non-GMO plants
- one case of twelve 16oz. bottles
- Note: citrus contains a naturally foaming agent. If a few foamy bubbles appear when your blood orange hint® is shaken, it's all natural!